UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.105/C.2/SR.562
16 August 1993
ENGLISH
ORIGINAL: SPANISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-second session

SUMMARY RECORD OF THE 562nd MEETING

Held at Headquarters, New York,
on Monday, 22 March 1993, at 10 a.m.

Temporary Chairman: Mr. FLEISCHHAUER
(Under-Secretary-General,
The Legal Counsel)

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

Opening of the session

Chairmanship of the Subcommittee

Participation by non-member States

Adoption of the agenda

/...

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

CONTENTS (continued)

Organization of work

Utilization of conference services and adoption of the schedule of meetings

General exchange of views

Agenda item 3: Question of early review and possible revision of the principles relevant to the use of nuclear power sources in outer space

The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

Tribute to the memory of Mr. Manfred Lachs, first Chairman of the Subcommittee

1. At the suggestion of the Temporary Chairman, the members of the Subcommittee observed a minute of silence.

Opening statement

2. The TEMPORARY CHAIRMAN, speaking as the representative of the Secretary-General, noted that over the past 30 years the Legal Subcommittee had made an impressive contribution to the establishment of a solid international legal basis for the orderly exploration and use of outer space. The Subcommittee had directly participated in the drafting of the 1963 Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, and in the finalizing of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the cornerstone of modern international space law. It had also played an important role in the formulation of the four agreements on the rescue and return of astronauts, liability for damage caused by space objects, the registration of space objects and activities on the Moon, which, together with the Outer Space Treaty, perhaps constituted the most important component of international space law. Further, the Subcommittee had formulated a series of declarations and legal principles that represented an important addition to the body of legislation on outer space.

3. Of particular significance was the fact that the year before the General Assembly had adopted, without a vote, the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. Consensus had been achieved following arduous negotiations in which the Subcommittee, with the assistance of the Scientific and Technical Subcommittee in the spirit of goodwill and compromise that had always characterized its work, had succeeded in resolving the numerous delicate legal problems that had arisen.

4. The rapid development of space science and technology was opening up new horizons in the exploration and use of outer space for peaceful purposes and there was a need for the establishment of a legal framework so that such activities could be conducted in an orderly manner without disputes in order to foster economic progress, harmony and prosperity, rather than mistrust, tensions and conflicts. The Legal Subcommittee would doubtless continue with its tradition of successfully dealing with the important tasks entrusted it by the international community. The Office of Legal Affairs, which provided secretariat services to the Subcommittee, was ready to offer it all necessary assistance so that the session might conclude positively.

CHAIRMANSHIP OF THE SUBCOMMITTEE

5. The TEMPORARY CHAIRMAN said that the Group of Eastern European Countries, which had traditionally provided the Chairman of the Legal Subcommittee, had expressed a wish for the re-election as Chairman of Mr. Václav Mikulka, who had

(The Temporary Chairman)

held the post for the previous three years as representative of the former Czechoslovakia, and who would now do so as representative of the Czech Republic, which had been admitted to the United Nations as a new Member on 19 January 1993 and designated that same day by the General Assembly to occupy the seat on the Committee of the former Czechoslovakia. If there was no objection, he would take it that the Subcommittee wished to re-elect Mr. Mikulka as Chairman.

It was so decided.

Mr. Mikulka (Czech Republic) took the Chair.

PARTICIPATION BY NON-MEMBER STATES

6. The CHAIRMAN said that Cuba, the Slovak Republic and Turkey had applied to participate in the work of the Subcommittee, and recalled that it was within the authority of the Committee on the Peaceful Uses of Outer Space to grant observer status. He suggested that the Subcommittee should not adopt a formal decision in that regard but, if there was no objection, that the representatives of those three countries should attend the formal meetings of the Subcommittee and, in the event that they wished to make a statement, should seek permission from the Chair.

It was so decided.

ADOPTION OF THE AGENDA (A/AC.105/C.2/L.191)

7. The CHAIRMAN drew the Subcommittee's attention to paragraphs 4 (a), (b) and (c) of General Assembly resolution 47/67 of 14 December 1992, entitled "International cooperation in the peaceful uses of outer space", which contained recommendations by the General Assembly relating to the current session, and said that, if there was no objection, he would take it that the Subcommittee wished to adopt the provisional agenda (A/AC.105/C.2/L.191) prepared by the Secretariat on the basis of paragraph 4 of General Assembly resolution 47/67.

It was so decided.

ORGANIZATION OF WORK

8. The CHAIRMAN said that, in accordance with the General Assembly's recommendations, open-ended working groups of the Subcommittee should be established on item 3 (Nuclear power sources), item 4 (Definition of outer space and the utilization of the geostationary orbit) and item 5 (Benefits of outer space). Accordingly, he suggested that the three working groups on the substantive agenda items should be re-established.

It was so decided.

9. The CHAIRMAN said that Mr. Franz Cede, of Austria, who had chaired the Working Group on nuclear power sources at the previous session, was not

(The Chairman)

available for the current year. He suggested that Mr. Helmut Freudenschuss, also of Austria, should be appointed Chairman of the Working Group.

It was so decided.

10. The CHAIRMAN said that, if there was no objection, he would take it that the Subcommittee wished to re-elect Mr. Estanislao Zawels, of Argentina, Chairman of the Working Group on the definition and delimitation of outer space and the utilization of the geostationary orbit.

It was so decided.

11. The CHAIRMAN said that, if there was no objection, he would take it that the Subcommittee wished to re-elect Mr. Raymundo González, of Chile, as Chairman of the Working Group on the benefits of outer space.

UTILIZATION OF CONFERENCE SERVICES AND ADOPTION OF THE SCHEDULE OF MEETINGS

12. The CHAIRMAN said that over the past three years the Subcommittee had achieved an appropriate level of efficiency in the use of conference-servicing resources owing to the adoption of various measures by consensus, as contained in paragraph 12 of the report of the Subcommittee (A/AC.105/514). The Subcommittee had agreed that an organization of work similar to that adopted at its thirty-first session should serve as a basis on which to organize the work of its thirty-second session (A/AC.105/514, para. 14), and that agreement had been endorsed by the Committee on the Peaceful Uses of Outer Space (A/47/20, para. 153). The Subcommittee had further agreed on the adoption at its 1993 session of two additional measures, namely that one morning plenary meeting per week should be replaced by a meeting of an appropriate working group and that morning meetings should begin at 10 a.m.

13. The year before the Committee had recalled its recommendation that the Legal Subcommittee should, as a permanent arrangement, establish an annual rotation in the order in which the substantive agenda items should be considered. As the Subcommittee had employed that rotation over the previous three years, the order in which the substantive items would be taken up at the current session would be that contained in General Assembly resolution 47/67 and in the Subcommittee's agenda. The General Assembly had endorsed the Committee's recommendations relating to the organization of work of the Legal Subcommittee (General Assembly resolution 47/67, para. 6).

14. Accordingly he suggested that at the current session organizational measures similar to those adopted or proposed at earlier sessions should be employed. Having outlined such measures, as contained in document A/AC.105/514 (paras. 12 (a) to (g) and paras. 15 (a) and (b)), he further proposed that, for the purposes of advance programming of informal consultations, six formal afternoon meetings should be left unprogrammed and that, instead, an equal number of informal consultations should be programmed. If there was no

(The Chairman)

objection, he would take it that the Subcommittee wished to accept those proposals and adopt the schedule of meetings contained in document A/AC.105/C.2/L.191.

It was so decided.

GENERAL EXCHANGE OF VIEWS

15. Mr. HE Qizhi (China) said that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, which had been adopted as a result of the efforts undertaken over a long period by the Subcommittee, contained substantive clauses of great importance to the future development and improvement of the legal regime in that area. In view of the rapid development of science and technology, his delegation agreed that the item should be kept on the agenda.

16. For all its advantages, the use of nuclear power sources in outer space was a hazardous activity, and it was therefore important to lay down strict principles in order to safeguard the earth environment and the security of mankind. The use of nuclear power sources should be restricted to those space missions which could not be operated by non-nuclear energy sources and should not be directed towards militarization or the build-up of weapons in space. The technical criteria specified in the principles were based on those established by the International Commission on Radiological Protection (ICRP), with a number of exceptions, such as low-probability accidents which might have radiological consequences. That was a compromise solution which could be accepted by all parties under the current circumstances. In general, the instrument needed further improvement in order to ensure the safe use of nuclear power sources in outer space. His delegation would play an active part in the further consideration of the issue.

17. The working paper entitled "Questions concerning the legal regime for aerospace objects" (A/AC.105/C.2/L.189), submitted by the Russian Federation, addressed a question in some ways similar to the legal regime applicable to air and space activities, which had been dealt with during the consideration of the definition and delimitation of outer space. The paper was important, however, because it offered a new perspective on the question.

18. The "working non-paper" on geostationary satellite orbit submitted by the Group of 77 was helpful for the discussion of the relevant issues. Since the geostationary orbit was a limited natural resource, it was necessary to discuss the principles that should be applied in order to improve current practice. In considering the question, particular account should be taken of the interests of developing countries, without prejudice to the provisions of the ITU Convention.

19. The question of the benefits of outer space was of great importance because it involved the issues of dissemination and exchange of space knowledge and technology, preservation of the outer space environment, and activities conducted for the benefit of mankind. His delegation would play an active part in the consideration of the issue.

(Mr. He Qizhi, China)

20. Finally, his delegation attached great importance to the elaboration of international space law within the United Nations system. Outer space activities could not be separated from the strengthening of the legal order in outer space. The drastic changes that had occurred in the international situation were conducive to reducing the military elements in the use of space and strengthen international cooperation in the peaceful uses of outer space. The Subcommittee should seize the opportunity to promote the development of international space law, an endeavour in which China had always taken part and in which it would continue to play an active role.

21. Mr. ALBIN (Mexico) said that the adoption of the set of principles on the use of nuclear energy sources in outer space showed that, given the political will, it was possible to move ahead in the progressive development of international space law. His delegation had always supported the establishment of an effective universal legal order to regulate space activities and had therefore joined the consensus which had enabled the principles to be adopted. Although they applied only to nuclear power sources devoted to generation of electric power on board space objects, they represented a first step towards the establishment of a compulsory legal framework.

22. His delegation welcomed the debate in the Scientific and Technical Subcommittee on the need to extend the scope of the principles and improve the provisions governing safety conditions, and felt that the documents submitted by the Russian Federation, Pakistan and the United Kingdom offered a useful point of departure for revising the principles. In that connection he underscored the need for transparency in space activities and the importance of including a provision on the need for prior notification of the presence of a nuclear power source on board a space object.

23. With regard to the benefits of the exploration and utilization of outer space, his delegation had repeatedly stressed that the Subcommittee's work should focus on the establishment of a legal framework guaranteeing all States, particularly developing countries, access to knowledge concerning space science and technology and its applications. A first step in that direction was the drawing up of guidelines for the promotion of international cooperation in outer space. The Group of 77, of which his country was a member, had submitted a proposal to that effect in 1991, which had been accepted as a basis for discussions on the matter. He trusted that the constructive dialogue so far achieved would be maintained and hoped that agreement could be reached on granting the working group a negotiating mandate on the subject.

24. His delegation supported the proposal by the Russian Federation (A/AC.105/C.2/L.189) that, in connection with the question of the definition and delimitation of outer space, the Subcommittee should consider questions concerning the legal regime for aerospace objects. That would help to break the deadlock created by the impossibility of reaching agreement on the need to establish a boundary between air and outer space. He called on those delegations which had formulated objections to the proposal by the Russian delegation to reconsider their position.

(Mr. Albin, Mexico)

25. With regard to the character and utilization of the geostationary orbit, he considered that the document submitted in 1991 by the delegation of Colombia offered a sound basis for continuing discussions, with the aim of establishing a special legal regime to ensure the rational use of the geostationary orbit and equitable access for all States. It was also important for the Committee on the Peaceful Uses of Outer Space to begin consideration of the question of space debris as soon as possible.

26. In conclusion, his delegation reaffirmed its support for the promotion of effective measures to keep outer space free from military conflict and prevent its militarization, so as to ensure that all space activities were undertaken for the benefit and interest of mankind. With that in view, it reiterated its support for the establishment of a working relationship between the Committee on the Peaceful Uses of Outer Space and the Ad Hoc Committee on Prevention of the Arms Race in Outer Space of the Conference on Disarmament.

27. Mr. GRANOW (Germany) said that, in recent years, the Subcommittee had succeeded in paving the way for a consensus on the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, a process which had culminated in the adoption of those principles by the General Assembly on 14 December 1992, giving further proof of the efficiency of the Subcommittee's work.

28. The discussion on questions relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit had once again highlighted the satisfactory work done by the International Telecommunication Union to ensure equitable access to the geostationary orbit for all countries. In that connection, his delegation stressed that the development of space technology should not be impeded by any premature delimitation of air and space not based on solid criteria.

29. With regard to the benefits of the exploration and utilization of outer space, his delegation had always believed that international cooperation was vital in the field of space activities, as evidenced by its participation in numerous projects. It was therefore of the opinion that the task ahead was not to make the initiation of cooperation obligatory, but to further develop rules aimed at securing mutually fruitful and beneficial cooperation.

30. Mr. BOYER (France) said that if the progress made in recent years on agenda items 3 and 5 continued and intensified, the Subcommittee would have reason to feel very satisfied. In 1992, largely as the result of the Subcommittee's work, consensus had been achieved on the Principles Relevant to the Use of Nuclear Energy Sources in Outer Space. The debates on the other two items had also taken an encouraging turn.

31. The dialogue between France and Mexico was ongoing, productive and friendly and had become more extensive in recent years. However, there was one point on which his delegation did not agree with the Mexican delegation, namely the establishment of a working relationship between the Disarmament Commission and the Committee on the Peaceful Uses of Outer Space. His delegation believed that each body should perform its own tasks. The Disarmament Commission was composed

(Mr. Boyer, France)

of diplomats who were at least as competent as those on the Committee on the Peaceful Uses of Outer Space, and the two bodies' respective areas of competence should be respected.

AGENDA ITEM 3: QUESTION OF EARLY REVIEW AND POSSIBLE REVISION OF THE PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE

32. The CHAIRMAN recalled that, in its resolution 47/68, the General Assembly had adopted the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and that in paragraph 4 (a) of its resolution 47/67, it had decided that, at its current session, the Subcommittee should consider, through its working group, the question of early review and possible revision of those principles.

33. The question of the use of nuclear power sources in outer space had also been considered by the Scientific and Technical Subcommittee at its session in New York in February 1993. The Subcommittee's report was contained in chapter IV of document A/AC.105/143, while the report of its working group could be found in annex III to that document.

The meeting rose at 11.55 a.m.